



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,673	12/26/2001	Atsushi Kobayashi	Q67835	6555

7590 02/03/2004

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
----------	--------------

2861

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,673

Applicant(s)

KOBAYASHI ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 11/05/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11/26/2003. 6) ☐ Other:

FINAL REJECTION

Response to Applicant's Amendment

CLAIM REJECTIONS

Claim Rejections - 35 U.S.C. § 112

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not understood what the "program" in claim 20 is and how this program can perform the method comprising the writing step and selecting step as recited in claim 20 since the present specification does not show the detailed structure of the program and explain how this program can perform the reciting steps. Clarification is required.

Claims 1-13 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate correction or clarification is required.

In claim 1, it is unclear how the decision can be made whether the ink type information used in the recording apparatus having already been set or not yet been set and how the information can be used and set or not set since no means for performing the deciding and setting function are recited. The same is true for claims 6-10.

In claim 20, it is not understood how "the program can perform a method" on lines 1-2, it is unclear how the ink type can be written into a memory area, what the "operation sequence condition", "recording head driving condition" and "an image processing condition" are, where they come from, how these conditions relate to the step of writing step and how the writing step and "selecting step" are read on the preferred embodiment. Insofar as understood, no such steps can be determined on the drawings.

The remaining claims are dependent from the above rejected claims and therefore also considered indefinite.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1 and 6-9 are rejected under 35 U.S.C. 102 (e) as being anticipated by Saruta et al (US 6,533,383).

As the best construed, Saruta et al disclose in Figures 1-9 an ink jet printing apparatus comprising:

- a cartridge holder capable of removably attaching an ink cartridge (1-2) (Figure 4);
- a recording head (17) for receiving supply of ink from the ink cartridge (1-2) attached to the cartridge holder and discharging ink droplets based on print control data, thereby printing an image on a recording medium (16),
- wherein the ink cartridge includes a storage memory (27, 32).
- an identifying system (42) indicative the type of ink accommodated in the ink cartridge;
- a CPU (46) operatively connected to the recording head and communicating with the holder;
- a printer memory that stores therein operation sequence which operating by inherent program;
- and
- a read and write means (38, 39) for reading and writing information to the storage memory (27, 32).

Response to Applicant's Arguments

The applicant argues that the program in claim 20 is well known and a programmer can write this program. The argument is not persuasive because the program for performing the writing step and selecting step in claim 20 is not well known. The applicant is requested to provide any prior art showing this program.

The applicant argues that Saruta does not disclose about setting ink type information or not yet been set so that the ink type can be used. The argument is not persuasive because it is based on the unclear limitation which is not given patentable weight as discussed above.

Allowable Subject Matter

Claims 11-13 and 18-19 are allowed.

Claims 2-5 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The claims would be allowable over prior art of record because the prior art does not disclose:

- The ink cartridge to be used in the recording apparatus includes an identifying system indicative of the type of ink accommodated in the ink cartridge, and the recording apparatus to which the ink cartridge is to be attached includes an information obtaining system capable of obtaining ink type information from the identifying system.
- a matching deciding system for deciding whether or not a matching is available between set the ink type information that has been set and ink type information obtained from a newly attached ink cartridge in case in which the ink type information has already been set.
- wherein the ink type setting permission information is stored in the semiconductor storage system mounted on the ink cartridge, and the ink type setting permission information is inhibited from being read from the semiconductor storage system or is erased from the semiconductor storage system in response to a command sent from the recording apparatus after the recording apparatus once reads the ink type setting permission information;
- a CPU operatively connected to the recording head and communicating with the holder; a printer memory that stores therein an operation sequence condition, a recording head driving condition and an image processing condition each being stored by the ink type basis.
- a printer memory having a memory area into which a specific one of ink types, to be used in the recording apparatus can be written, and the printer memory storing therein a program to be executed for writing the specific ink type when all of the ink cartridges contain ink of the same

Art Unit: 2861

ink type and when the specific one of ink type has not yet been written in the printer memory, and for selecting the operation sequence condition, recording head driving condition and image processing condition corresponding to the ' specific ink type.

- an ink cartridge memory storing therein ink type information indicative of a type of the ink, and ink type setting permission information specifying that the ink is an ink cartridge for set up.


CONCLUSION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (703) 305-8194. The examiner can normally be reached on Monday to Friday from 8:00 A.M. to 4:00 P.M. The fax number of this Group 2861 is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


ANH T.N. VO
PRIMARY EXAMINER
January 21, 2004